



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 8229-01
8 January 2002

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: GYSG [REDACTED], FMCI [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 1 Nov 01 w/attachments
(2) HQMC MMPR-2 memo dtd 15 Nov 01
(3) Memo for record dtd 2 Jan 02

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, remedial consideration for promotion by the Calendar Year (CY) 1999 and 2000 Master Sergeant Selection Boards.

2. The Board, consisting of Messrs. Kastner and Rothlein and Ms. Schnittman, reviewed Petitioner's allegations of error and injustice on 3 January 2002, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Headquarters Marine Corps (HQMC) removed 1996 weight control entries relating to Petitioner from the Marine Corps Total Force System after he had been considered and not selected by the CY 1999 and 2000 Master Sergeant Selection Boards. He is currently not eligible for remedial consideration, without a waiver of the applicable Marine Corps order, because he transferred to the Fleet Marine Corps Reserve on 31 July 2000.

c. In correspondence attached as enclosure (2), as amended in accordance with the memorandum for the record at enclosure (3), the HQMC office having cognizance over the subject matter of Petitioner's request has commented to the effect that this request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

- a. That Petitioner be granted remedial consideration for the CY 1999 and, if necessary, the CY 2000 Master Sergeant Selection Board.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder

Jonathan S. Ruskin
JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

W. Dean Pfeiffer
W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

8229-01

IN REPLY REFER TO:
1400/4
MMPR-2
15 Nov 01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF GUNNERY SERGEANT [REDACTED],
[REDACTED], RETIRED

Ref: (a) MCO P1400.32C, ENLPROMMAN

1. Gunnery Sergeant [REDACTED] requested remedial promotion consideration to master sergeant for the CY 2000 and CY 2001 Sergeant Major through Master Sergeant Selection Boards.
2. Gunnery Sergeant [REDACTED] was considered and not selected by the CY 2000 Sergeant Major through Master Sergeant Selection Board. He was retired when the CY 2001 Sergeant Major through Master Sergeant Selection Board convened. At the time of the CY 2000 board, Gunnery Sergeant [REDACTED] was on weight control. This is considered adverse material in his record. According to the reference, if a Marine has adverse material removed or corrected from his record by the PERB or BCNR, they may warrant remedial consideration.
3. In the case of Gunnery Sergeant [REDACTED], this Headquarters believes he would rate remedial consideration for the CY 2000 Sergeant Major through Master Sergeant Board. Since he retired prior to the CY 2001 Board, he would not be eligible for that board.
4. We recommend BCNR direct Promotion Branch, Headquarters, Marine Corps to consider Gunnery Sergeant [REDACTED]'s record for remedial selection to master sergeant for CY 2000. We further recommend the results of this board would exhaust the administrative means for his appeal.

5. Point of contact is [REDACTED]

[REDACTED]

Major, U. S. Marine Corps
Head, Enlisted Promotion Section
By direction for the
Commandant of the Marine Corps

MEMORANDUM FOR THE RECORD
DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: (703) 614-2293 OR DSN 224-2293
FACSIMILE: (703) 614-9857 OR DSN 224-9857

DATE: 2JAN02

DOCKET NO [REDACTED]

PETITIONER (PET): GYS [REDACTED], FMCR

PARTY CONTACTED [REDACTED] (703) [REDACTED]

WHAT I SAID: I EXPLAINED TO [REDACTED] THAT PET WAS ACTUALLY REQUESTING REMED CONSID FOR E-8 FOR CY 1999 AND 2000.

WHAT PARTY [REDACTED] AGREED THAT SINCE THE 1996 WT CONTROL ENTRIES WERE REMOVED AFTER HE WAS CONSIDERED FOR E-8 BY THE CY 1999 AND 2000 E-8 SEL BDS, HE WOULD BE ENTITLED TO REMED CONSID BY BOTH BDS.

[REDACTED]
[REDACTED] GEORGE
[REDACTED]